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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,026	04/02/2004	Kenneth M. Brazell	10710/612	2780
757	7590	12/14/2005	EXAMINER	
BRINKS HOFER GILSON & LIONE			SELF, SHELLEY M	
P.O. BOX 10395			ART UNIT	
CHICAGO, IL 60610			PAPER NUMBER	

3725

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/817,026

Applicant(s)

BRAZELL ET AL.

Examiner

Shelley Self

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,7-10,12-14,16,17 is/are allowed.
- 6) ☒ Claim(s) 2,4,6,15 and 20 is/are rejected.
- 7) ☒ Claim(s) 5,11,18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/2/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *detent* (clms. 10, 11, 12, 17, 19), *projection* (clm. 11), *step* (clm. 11) and *depression* (clm. 12) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 34 & 35.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

Claim 5 is objected to because of the following informalities: the term, “table top to clear motor (lines 2-3) is not clear, Examiner suggests, --*clear said motor*--. Appropriate correction is required.

With regard to claim 11, line 3, repetitive words, “of the” should be deleted.

With regard to claim 18, line 2, --a—should be inserted following “having”, i.e., --having a saw base--; line 13 “*the distal end of each arm a pair having of pivot member*” is not grammatically clear.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 2, 4, 6, 15 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 2 there is no antecedent basis for the term, “the work-piece out-feed side (lines 3-4).

With regard to claim 4, there is insufficient antecedent basis for the term, “the out-feed direction”, Examiner suggest, --an out-feed direction--.

Regarding claims 6, 15 and 20, there are insufficient antecedent basis for the term, “the leading edge of the auxiliary table”, Examiner suggests, --a leading edge...---

With regard to claim 6, the term, “the edge” does not have sufficient antecedent basis, i.e., is “the edge” the same as “the leading edge”, if not what edge does “the edge refer to?

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With regard to claim 15, line 3 and claim 20, line 3 the claim states, "the edge" however the leading edge is recited as well as a forward and rear edge (parent claims 14, 18), thus it is unclear which edge, "the edge" refers to. Clarification is needed.

Appropriate correction is required.

***Allowable Subject Matter***

Claims 1, 3, 7-10, 12-14, 16 and 17 are allowed.

Claims 5, 11, 18 and 19 are objected but would be allowable if re-written in the same scope and clarifying the objection noted above.

Claims 2, 4, 6, 15 and 20 contain allowable subject matter based on their dependency to claims 1, 13 and 18. Claims 2, 4, 6, 15 and 20 would be allowable if re-written to overcome the 35 U.S.C. 112 rejection(s) above.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or fairly suggest a table saw assembly or an auxiliary table for a table saw comprising elongate arms telescopically extending through channels, *a pair of pivot members disposed on a distal end of each arm to secure the arms in the channels, wherein the auxiliary support table is adjustable between a use position wherein the elongate arms telescope inwardly through channels to position the workpiece support surface generally parallel to the saw table top and a stored position wherein the elongate arms telescope outwardly through the channels and pivot about pivot members to position the workpiece support surface generally perpendicular from the table top or to hang the workpiece support*

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*table downwardly from the table saw table top* in combination with the rest of the claimed limitations as set forth in claims 1, 13 and 18.

The prior art of record, Talesky (6,293,176) discloses a table saw assembly comprising a base (12) having a pair of laterally spaced apart, longitudinally extending channels (fig. 3, 4), a motor for driving a saw blade (16), the motor oriented within the saw base (col. 5, lines 13-15), a table top (14) affixed on the base (12) for supporting a workpiece thereon; a saw blade (16) affixed to and driven by the motor, the saw blade (16) extending through an opening (18) formed through the table top (14), an auxiliary support table (24) slidably mounted to the saw base (12) the auxiliary support table (24) having a workpiece support surface (fig. 3), a pair of elongate arms (34, 36) telescopically extending through the channels (figs. 3, 4) wherein the auxiliary table is adjustable between an outwardly extended telescopic position (fig. 3) and an inwardly extended telescopic position (fig. 2). Talesky does not disclose or fairly suggest *a pair of pivot members disposed on a distal end of each arm to secure the arms in the channels, wherein the auxiliary support table is adjustable between a use position wherein the elongate arms telescope inwardly through channels to position the workpiece support surface generally parallel to the saw table top and a stored position wherein the elongate arms telescope outwardly through the channels and pivot about pivot members to position the workpiece support surface generally perpendicular from the table top or to hang the workpiece support table downwardly from the table saw table top*. Talesky is silent to any pivoting of the auxiliary table and instead teaches only linear movement and adjustability of the auxiliary table (24) relative to the table top (14). Accordingly, Talesky fails to anticipate or render obvious the claimed invention as set forth in claims 1, 13 and 18.

The prior art reference, Hewitt (4,640,326) discloses a table saw assembly having a base (27) a table top (14) a saw blade (16) extending through a slot or opening in the table top (14), an auxiliary table (42) coplanar with the table top (14). Hewitt discloses the auxiliary table (42) to be pivotally mounted (figs. 1-3) such that the auxiliary table is in a use position (fig. 1) and pivoted position perpendicular and extending downwardly from the table top (14). Hewitt however does not disclose any *telescoping structure*. Although, Hewitt discloses pivotally mounting of an auxiliary table and Talesky discloses a telescopic structure for extending an auxiliary table into a use position, there is no motivation to combine the references. Further such combination would be impermissible hindsight reconstruction. Thus neither Talesky nor Hewitt alone or in combination anticipate or render obvious the claimed invention as set forth in claims 1, 13, and 18.

Neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claims 1, 13 and 18. Therefore, claims 1, 3, 7-10, 12-14, 16 and 17 are deemed allowable over the prior art of record. Claims 18 and 19 contain allowable subject matter and would be allowable if re-written to overcome the objected to subject matter noted above. Claims 2, 4-6, 11, 15 and 20 contain allowable subject matter based on their dependency to claims 1, 13 and 18 and would be allowable over the prior art of record if re-written to overcome the objected to subject matter and any 35 U.S.C. 112 rejection(s) above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The

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examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf   
December 2, 2005